

1980 BILL 36

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 36

THE NOTARIES PUBLIC AMENDMENT ACT, 1980

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 36

1980

THE NOTARIES PUBLIC AMENDMENT ACT, 1980

(Assented to , 1980)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 The Notaries Public Act is amended by this Act.

2 Section 2.1 is amended by adding the following after subsection (3):

(4) A person who has been admitted as a student-at-law under *The Legal Profession Act* is a notary public for the Province while he serves under articles pursuant to that Act.

(5) If a student-at-law is suspended by the Law Society of Alberta, he is not entitled to exercise his powers as a notary public until the suspension is terminated.

3 The following is added after section 8:

9 No person shall

(a) administer an oath or take an affidavit, affirmation or declaration attested by his signature and seal,

(b) attest a commercial instrument that is brought before him for public protestation, or

(c) demand, receive or have a right, profit or emolument rightfully appertaining or belonging to the calling of a notary public,

unless he is a notary public authorized under this Act and his authorization has not expired, been suspended or revoked or he is authorized to exercise that power by any other law in force in Alberta.

Explanatory Notes

1 This Bill will amend chapter 261 of the Revised Statutes of Alberta 1970.

2 Section 2.1 presently reads:

2.1(1) Every member of The Law Society of Alberta is and has always been, a notary public for the Province.

(2) If a member of The Law Society of Alberta is suspended by the Society he is not entitled to exercise his powers as a notary public until the suspension is terminated.

(3) Every provincial judge, surrogate court judge, master in chambers, Queen's Bench judge and judge of the Court of Appeal is and has always been, from the time of his appointment, a notary public for Alberta.

3 Offence and penalty provisions.

10 A person who contravenes section 9 is guilty of an offence and is liable on summary conviction to a fine of not more than \$500.

4 This Act comes into force on the day upon which it is assented to.